IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 22114 of 2006(G)

OS.324/2000 of MUNSIFF COURT, PALA

.....

PETITIONER:

SHIBU K. KUMAR, AGED 32 YEARS,
S/O. K.K.KUMARAN, KARAMULLIL VEETTIL,
PONNADUKARA, LALAN VILLAGE, MEENACHIL TALUK.

BY ADV. SRI.MATHEW ABRAHAM
SRI.BIMAL PRASAD

RESPONDENTS:

CATHOLIC SYRIAN BANK LTD.,
PALA BRANCH, REPRESENTED BY ITS BRANCH MANAGER,
PALA.

BY ADV. SRI.PETER THARAKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

WP (C) NO.22114/2006

PETITIONER'S EXHIBITS:

EXHIBIT.P1: TRUE COPY OF E.P. 6/2003 IN O.S.324/2000 DATED 31.1.2001 PENDING BEFORE MUNSIFF COURT, PALA.

EXHIBIT.P2: TRUE COPY OF COUNTER AFFIDAVIT ALONG WITH E.A. NO.30/2000 FILED BY THE PETITIONER DATED 13.2.2006 BEFORE MUNSIFF COURT, PALA.

EXHIBIT.P3: TRUE COPY OF ORDER PASSED IN E.P. NO.6/2003 DATED 10.3.2006 BY MUNSIFF COURT, PALA.

EXHIBIT.P4: TRUE COPY OF ORDER DATED 18.3.2006 IN E.A. 53/2006 IN E.P. 6/2003 IN O.S. 324/2000 PASSED BY MUNSIFF COURT, PALA.

EXHIBIT.P5: TRUE COPY OF THE ORDER DATED 7.4.2006 IN W.P (C) NO.10892/2006 BEFORE THE HIGH COURT OF KERALA.

EXHIBIT.P6: TRUE COPY OF THE ORDER DATED 10.4.2006 IN E.P. 6/2003 IN O.S.324/2000

/TRUE COPY/

P.A. TO JUDGE.

K.P. Balachandran, J.

W.P.(C)No. 22114 of 2006

Dated this the 23rd day of March, 2007

J U D G M E N T

Counsel for the petitioner is absent today also and there is no representation even on his behalf. I do not see any reason why the writ petition filed by the judgment debtor challenging the impugned order of the court below issuing warrant as one passed without giving him breathing time to pay the debt after disposal of W.P. (C) 10892/2006 is to be retained on the file of this court as no payment at all is made even after the appearance of the respondent/decree holder in this writ petition despite expiry of 7 months.

In the result, I dismiss this writ petition.

(K.P.Balachandran, Judge)

ma /True copy/

P.A to Judge